

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH**

Attorney Docket Number: BAYER 3.0-003 CONT

Application Number: 10/826,880-Conf. #9880

Filing Date (or 371(b) or (f) Date): April 19, 2004

Patent Number: 7,635,597

Issue Date: December 22, 2009

First Named Inventor: Joel M. Blatt

Title: DRY REAGENT PARTICLE ASSAY AND DEVICE HAVING MULTIPLE TEST ZONES AND METHOD THEREFOR

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature /Stephen J. Brown/	Date June 21, 2010
Name (Print/Typed) Stephen J. Brown	Registration Number 43,519
<p>Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms if more than one signature, see below*.</p>	
<p><input checked="checked" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>	

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: June 21, 2010

Electronic Signature for Stephen J. Brown: /Stephen J. Brown/